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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,729	02/18/2004	Yasumasa Morimoto	60866 (48882)	3394

7590 07/13/2005  
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EXAMINER
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MORRISON, THOMAS A

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/782,729	MORIMOTO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas A. Morrison	3653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6 and 8-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/18/2004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species I (i.e., Figure 1) in the reply filed on April 25, 2005 is acknowledged. Applicant did not indicate which claims read on the elected species. Claims 1-4 and 7 appear to read on such elected species.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. There are numerous antecedent basis problems and indefiniteness problems with the claims as currently written. For example, it is unclear in claim 1 as to how many outer casing members are claimed. Also, it is unclear from the claim language of claim 1, what structural relationship between the claimed elements allows the recited function to occur. What structural relationship between the claimed elements (e.g., the outer casing member(s), the engagement piece(s) and the stopper member(s)) allows the engagement member(s) to pivot and disengage from the stopper member(s) so that the stopper

member(s) pivot and the originals are transported? Such structural relationship should be clearly set forth in the claims. The above problems are exemplary. Applicants should review the claims and make the claim language consistent throughout the claims. Also, all antecedent basis problems should be corrected.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 7, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. (). In particular, the patent discloses all of the limitations of claims 1-4 and 7.

Regarding claim 1, Figs. 1-11 show an original transport apparatus automatically taking up one or more originals (11) one sheet at a time from where it or they is or are loaded in one or more original trays (10) and transporting same toward one or more transport paths (Fig. 6), wherein

one or more outer casing members (25) is or are arranged at one or more locations above one or more lower tip regions of at least one of the original tray or trays (10) which is arranged so as to be inclined downward (Fig. 4);

at least one of the outer casing member or members (25) is disposed so as to permit opening and closing about one or more shafts (i.e., shaft of roller 13) arranged in

one or more directions perpendicular to one or more directions of transport (i.e., direction of transport G) of at least one of the original or originals (11);

one or more stopper members (18) and one or more engagement pieces (22) are disposed at at least one of the outer casing member or members (25) so as to permit respectively independent displacement in pivoting fashion about one or more shafts (20) arranged in one or more directions perpendicular to at least one of the original transport direction or directions (i.e., direction of transport G);

at least one of the stopper member or members (18) causes at least one lead edge of at least one of the original or originals (11) loaded in at least one of the original tray or trays (10) to stop at at least one prescribed location (Fig. 1);

at least one of the engagement piece or pieces (22) engages with at least one of the stopper member or members (18);

when at least one of the outer casing member or members (25) is in at least one closed state (Fig. 1) and the apparatus is in at least one original takeup standby state, engagement of at least one of the stopper member or members (18) by at least one of the engagement piece or pieces (22) causes the at least one stopper member (18) to be retained in a state in which the at least one stopper member (18) stops at least one of the lead edge or edges of at least one of the original or originals (11) at at least one of the prescribed location or locations (Fig. 1), constraining at least one location of at least one of the lead edge or edges of at least one of the original or originals (11) and

preventing entry of at least one of the original or originals into at least one of the transport path or paths; and

when at least one of the outer casing member or members (25) is in at least one of the closed state or states and takeup of at least one of the original or originals (11) is proceeding (Fig. 4), at least one of the engagement piece or pieces (22) is displaced in pivoting fashion, disengaging engagement between the at least one engagement piece (22) and at least one of the stopper member or members (18), permitting pivoting displacement of the at least one stopper member (18) and allowing transport of at least one of the original or originals (11).

Regarding claim 2, Figs. 1-11 show an original transport apparatus according to claim 1 wherein at least one end (16) of at least one arm member (extending from 16 to near 12) is supported by at least one of the outer casing member or members (shaft of roller 13) so as to permit displacement in pivoting fashion; and at least one shaft (20) of at least one of the stopper member or members (18) is secured to at least one other end (near 12) of at least one of the arm member or members (extending from 16 to near 12).

Regarding claim 3, Figs. 1-11 show an original transport apparatus according to claim 2 wherein when, during the course of closing at least one of the outer casing member or members (25) which had at least immediately prior thereto been in at least one open state, at least one bottom region of at least one of the stopper member or members (18) which is in at least one engaged state with at least one of the

engagement piece or pieces (22) abuts and is pressed upward by at least one of the original or originals (11) loaded in at least one of the original tray or trays (10), this causes at least one of the other end or ends of at least one of the arm member or members (extending from 16 to near 12) to be displaced upward in pivoting fashion (Fig. 5), in accompaniment to which at least one of the stopper member or members (18) moves upward in such fashion as to cause it to be contained within at least one of the outer casing member or members (contained in 13 in Fig. 5).

Regarding claim 4, Figs. 1-11 show an original transport apparatus according to claim 2 wherein at least one lifting piece (23) for lifting at least one of the engagement piece or pieces (22) upward is integrally provided at at least one of the arm member or members (extending from 16 to near 12); and

when, during the course of closing at least one of the outer casing member or members (25) which had at least immediately prior thereto been in at least one open state, at least one bottom region of at least one of the stopper member or members (18) which is in at least one engaged state with at least one of the engagement piece or pieces (22) abuts and is pressed upward by at least one of the original or originals (11) loaded in at least one of the original tray or trays (10), this causes at least one of the other end or ends of at least one of the arm member or members (extending from 16 to near 12) to be displaced upward in pivoting fashion (Fig. 5), in accompaniment to which at least one of the stopper member or members (18) moves upward, and at least one of the lifting piece or pieces (23) moves upward so as to further lift upward at least one of the engagement piece or pieces (22) and disengage engagement between at least one

of the stopper member or members (18) and at least one of the engagement piece or pieces (22).

Regarding claim 7, Figs. 1-11 show an original transport apparatus automatically taking up one or more originals (11) one sheet at a time from where it or they is or are loaded in one or more original trays (10) and transporting same toward one or more transport paths, wherein

one or more outer casing members (25) is or are arranged at one or more locations above one or more lower tip regions of at least one of the original tray or trays (10) which is arranged so as to be inclined downward (Fig. 4);

at least one of the outer casing member or members (25) is disposed so as to permit opening and closing about one or more shafts (shaft of roller 13) arranged in one or more directions perpendicular to one or more directions of transport of at least one of the original or originals (11);

one or more stopper members (18) and one or more engagement pieces (22) are disposed at at least one of the outer casing member or members (25) so as to permit respectively independent displacement in pivoting fashion about one or more shafts (20) arranged in one or more directions perpendicular to at least one of the original transport direction or directions (i.e., transport direction G);

at least one of the stopper member or members (18) causes at least one lead edge of at least one of the original or originals (11) loaded in at least one of the original tray or trays (10) to stop at at least one prescribed location (Fig. 1);



at least one of the engagement piece or pieces (22) engages with at least one of the stopper member or members (18);

one or more pickup arms (extending from 16 to near 12) is or are disposed at at least one of the outer casing member or members (25) so as to permit displacement in pivoting fashion about one or more shafts (shaft of roller 13) arranged in one or more directions perpendicular to at least one of the original transport direction or directions;

at least one of the pickup arm or arms (extending from 16 to near 12) has at least one pickup roller (12) for taking up at least one of the one or more originals (11) one sheet at a time from where it or they is or are loaded in at least one of the original tray or trays (10);

when at least one of the outer casing member or members (25) is in at least one closed state and the apparatus is in at least one original takeup standby state, the fact that at least one of the pickup roller or rollers (12) is positioned in at least one upper region within at least one of the outer casing member or members causes engagement between at least one of the stopper member or members (18) and at least one of the engagement piece or pieces (22) to be retained, constraining at least one location of at least one of the lead edge or edges of at least one of the original or originals (11) and preventing entry of at least one of the original or originals (11) into at least one of the transport path or paths; and

when at least one of the outer casing member or members (25) is in at least one of the closed state or states and takeup of at least one of the original or originals (11) is

proceeding (Fig. 4), at least one of the pickup arm or arms (extending from 16 to near 12) is displaced downward in pivoting fashion so as to cause at least one of the pickup roller or rollers (12) to move downward and away from at least one of the outer casing member or members (24) so as to not be hidden thereby (as viewed looking at the exposed edge of roller 12 from above in a direction B, the edge of roller 12 becomes hidden by arm 16 when the roller 12 moves downward), and in linked fashion with respect to this pivoting displacement, at least one of the engagement piece or pieces (22) is displaced in pivoting fashion, disengaging engagement between the at least one engagement piece (22) and at least one of the stopper member or members (18), permitting pivoting displacement of the at least one stopper member (18) and allowing transport of at least one of the original or originals (11).

### ***Conclusion***


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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